

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

CHRISTOPHER PAUL CONLIN,

PLAINTIFF,

V.

FORD MOTOR COMPANY,

DEFENDANT.

Civil No.

**04-40242FDS**

RECEIPT # 404454

AMOUNT \$ 150.00

SUMMONS ISSUED letter + blank sms sent

LOCAL RULE 4.1 ✓

WAIVER FORM ✓

MCF ISSUED ✓

BY DPTY. CLK. James

DATE 11-19-04

**COMPLAINT**

- 1.) The Plaintiff is a resident of Fitchburg, Massachusetts, Northern Worcester County, Massachusetts and a Citizen of the United States.
- 2.) The Defendant Is a corporation In Dearborn Michigan. Ford Motor Corporation is a business in the United States.

**Jurisdiction**

This court has jurisdiction over this matter pursuant to 28 USCS 1332.

**Facts**

On September 1, 2004 the Plaintiff purchased from the defendant a brand new Ford F-350 Super Duty Crew Cab Turbo Diesel pick up truck. The Plaintiff asserts he tendered unto the Defendant an amount in the sum of thirty six thousand four hundred eleven dollars, \$36,411.00 see exhibit # 22.

(2)

Some time after the truck was driven home the Plaintiff began to experience various operating problems with the vehicle. The Plaintiff seeks relief through this court for "Motor Vehicle Product Liability" under category III. The Plaintiff lists seven counts under which relief may granted.

**Count 1**

1.) While driving the truck a week after the purchase price was payed the Plaintiff noticed the brake pedal seemed sluggish and spongy. Upon further inspection of the brake fluid reservoir the Plaintiff discovered the reservoir was low. See Exhibit "A." The two black marks indicate the level the Plaintiff re-filled the reservoir and then where the level was after. Showing no doubt the system was leaking even after the vehicle was serviced for a leaking brake booster. Again the brake system was still leaking. Here again the Plaintiff draws the courts attention to Exhibit "B," upon another separate inspection by the Plaintiff, he noticed leaking brake fluid dripping down the inside frame rail of the left front tire wheel well, so bad was the leak the brake fluid removed all the paint on the inner frame and seeped into the wire harness and other body parts on the inside of the frame. Further it appears the brake fluid was leaking for some time allowing the fluid to further leak into the various under body parts of the truck.

**Count 2**

2.) Upon continuing a further inspection of the vehicle the Plaintiff noticed the positive battery cables from the battery mounted on top of the heat exchange manifold for the diesel engines turbo charger. Please see exhibit "C." This cable carries high voltage electricity . If it melts it can start an engine fire under the hood and probably cause death because of its close proximity to various fuel filters for the diesel engine.

(3)

**Count 3**

3.) In this count the Plaintiff draws the courts attention to exhibit "D." In this area of the engine compartment the Plaintiff noticed and continues to notice an acrid smell of burnt rubber. Please note the "X" so marked in the lower right of exhibit "D." This signifying the origin of the "burnt Rubber smell." Upon further inspection the Plaintiff noticed a positive battery cable run near the air intake, this cable seems short and not properly placed.

**Count 4**

4.) While continuing to check the vehicle for other problems the Plaintiff noticed on the right rear door a discolored door handle. Please see exhibit "E."

**Count 5**

5.) Upon continuing his inspection of the truck the Plaintiff noticed the underside of the hood is missing the insulation blanket used to absorb the excessive heat from the diesel engine. Please see exhibit "F." Plaintiff asserts that Ford Motor Company did not properly shield the hood from the engine area their by creating an unsafe and hazardous area and possible fire hazard as well.

**Count 6**

6.) Plaintiff draws the courts attention to Exhibit G. In this exhibit Plaintiff notices a white substance material that is apparently glued or affixed to the vehicle.

Page (4)

**Count 7**

7.) In this count the Plaintiff draws the courts attention to the fact that aside from the other problems the truck vibrates at various speeds near the left front end of the truck. Further the truck is hard to start at times. It takes longer cranks to turn the truck over.

8.) Wherefore the Plaintiff asks for trial by jury on all matters before this court and to award him two hundred and fifty thousand dollars in damages and any other relief they court may deem proper and just.

Christopher Paul Conlin  
Signature Christopher Paul Conlin

Name Christopher Paul Conlin

Address 3 Lynn Street  
Fitchburg, Ma 01420

Cell # (603)-520-2367  
Home & Fax (978)-343-3945



**Fleet**

Remitter **CHRISTOPHER LONLIN**

**252162072**

23-87  
1020

**JUN 30, 04**

Date

**81949**

**PAY**

**\*\*\*\*\*34,000=DOLLARS\*AND\*00=CENTS\***

**TO THE ORDER OF**

**\*\*SERVATS FORD\*\*\*\*\***  
**\*\*\*\*\***  
**\*\*\*\*\***

Issued By Integrated Payment Systems Inc., Englewood, Colorado  
Bank One, NA, Denver, Colorado

Drawer: Fleet Bank

**NON NEGOTIABLE**

0028.FF 07/30/04 07187

**CUSTOMER COPY**

**OFFICIAL CHECK**

**07755 B 156 81949 Fitchburg**

*Exhibit*  
*22*



Memo

*for Fuel truck*Date  
AUG 03, 04Issued by Integrated Payment Systems Inc., Englewood, Colorado 82-40/1021  
Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado

228349018

NOT VALID OVER \$1000

81949

PAY

TO THE ORDER OF

GERVAIS FORD

NOTE: THE PURCHASER OF THIS MONEY ORDER AGREES TO INSERT IN INK, THE  
PAYEE'S NAME AND ADDRESS, AND ASSUMES ALL RESPONSIBILITY FOR \*\*\*\*\*410.94  
EVENTS MADE POSSIBLE BY FAILURE TO DO SO.

\*\*\*410\*DOLLARS\*AND\*94\*CENTS\*

NON NEGOTIABLE

SIGNATURE

STREET ADDRESS

CITY/STATE/ZIP

CUSTOMER COPY

RETAIN THIS COPY FOR YOUR RECORDS

**OFFICIAL CHECK**

**252162187**

23-97  
1020



Remitter **CHRISTOPHER LOMLIN**

**SEP 01, 04**

Date

\*\*\*1,500.00

61949

PAY

**\*\*\*\*\*1,500\*DOLLARS\*AND\*00\*CENTS\***

TO THE ORDER OF

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

Drawer: Fleet Bank

0053. **NON-NEGOTIABLE**  
OFFICIAL CHECK CUSTOMER COPY  
07755-0000 81949 Fitchburg

Issued By Integrated Payment Systems Inc., Englewood, Colorado  
Bank One, NA, Denver, Colorado

04-40242  
CIVIL COVER SHEET

ATTACHMENT #2

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Christopher Paul Conlin  
3 Lynn Street  
Fitchburg, Massachusetts 01420

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Northern Worcester County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

## DEFENDANTS

FORD MOTOR COMPANY  
THE AMERICAN ROAD  
DEARBORN, MICHIGAN 48121

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

## II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   | PTF                                 | DEF                      |   | PTF                      | DEF                                 |
|---|-------------------------------------|--------------------------|---|--------------------------|-------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> | <input type="checkbox"/>            |
| Citizen of Another State                | <input type="checkbox"/>            | <input type="checkbox"/> | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/>            | <input type="checkbox"/> | Foreign Nation  | <input type="checkbox"/> | <input type="checkbox"/>            |

## IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 200 Other Contract <input type="checkbox"/> 210 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input checked="" type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 366 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 861 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.F. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 620 Copyrights <input type="checkbox"/> 630 Patent <input type="checkbox"/> 640 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 691 HRA (1300W) <input type="checkbox"/> 692 Black Lung (923) <input type="checkbox"/> 693 DWC/DWW (405(g)) <input type="checkbox"/> 694 SSD Title XVI <input type="checkbox"/> 695 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 670 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 671 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 420 Banks and Banking <input type="checkbox"/> 430 Commerce/ICC Rates/etc. <input type="checkbox"/> 440 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 610 Selective Service <input type="checkbox"/> 660 Securities/Commodities/Exchange <input type="checkbox"/> 675 Customer Challenge 12 USC 3410 <input type="checkbox"/> 691 Agricultural Acts <input type="checkbox"/> 692 Economic Stabilization Act <input type="checkbox"/> 693 Environmental Matters <input type="checkbox"/> 694 Energy Allocation Act <input type="checkbox"/> 695 Freedom of Information Act <input type="checkbox"/> 696 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 698 Constitutionality of State Statutes <input type="checkbox"/> 699 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Title to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 250 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 520 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 760 Empl. Ret. Inc. Security Act		

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND TYPE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

TORT ACTION MOTOR VEHICLE PRODUCT LIABILITY

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

\$250,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NOVIII. RELATED CASE(S) (See instructions):  
IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING FR \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



04-40242

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSFILED ATTACHMENT #3  
CLERK'S OFFICE

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) CHRISTOPHER P. CONLIN  
v. FORD MOTOR COMPANY
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- X III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? YES ☐ NO ☒
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403) YES ☐ NO ☒  
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? YES ☐ NO ☐
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? YES ☐ NO ☒
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)). YES ☐ NO ☒  
OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? - (SEE LOCAL RULE 40.1(D)). YES ☐ NO ☐
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES ☒ NO ☐  
(a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? \_\_\_\_\_
9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? FITCHBURG, MA  
01420
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION; YES ☐ NO ☐ OR WESTERN SECTION; YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

ADDRESS

TELEPHONE NO.

(Catefirm.rev - 3/97)